

STEPHANIE M. HINDS (CABN 154284)  
Acting United States Attorney

HALLIE HOFFMAN (CABN 210020)  
Chief, Criminal Division

DANIEL N. KASSABIAN (CABN 215249)  
Special Assistant United States Attorney

150 Almaden Boulevard, Suite 900  
San Jose, California 95113  
Telephone: (408) 535-5051  
FAX: (408) 535-5081  
dkassabian@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	Case No. 5:21-mj-71438-MAG
	)	
Plaintiff,	)	STIPULATION TO CONTINUE STATUS
	)	CONFERENCE AND EXCLUDE TIME FROM
v.	)	DECEMBER 9, 2021 TO FEBRUARY 2, 2022
	)	AND ORDER ( <b>AS MODIFIED</b> )
HECTOR GARCIANAVA,	)	
	)	
Defendant.	)	
		Judge: The Honorable Donna M. Ryu

It is hereby stipulated by and between counsel for the United States and counsel for the defendant HECTOR GARCIANAVA that the status conference set for DECEMBER 9, 2021 be continued to FEBRUARY 2, 2022, and that time be excluded under the Speedy Trial Act from DECEMBER 9, 2021 through FEBRUARY 2, 2022.

At the status conference held on September 16, 2021, the government and counsel for the defendant agreed that time be excluded under the Speedy Trial Act so that counsel for the defendant could continue to prepare, including by reviewing the discovery that has been and will be produced. The Court set OCTOBER 28, 2021 as the date for a further status conference. The parties then stipulated to continuing the status conference to DECEMBER 9, 2021. The parties now stipulate to continuing the status conference to FEBRUARY 2, 2022. The parties stipulate and agree to excluding

time until FEBRUARY 2, 2022 to allow for the effective preparation of counsel, taking into account the exercise of due diligence including by reviewing the discovery has been and will be produced. *See* 18 U.S.C. § 3161(h)(1)(D), (h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by excluding the time from DECEMBER 9, 2021 through FEBRUARY 2, 2022 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A), (h)(7)(B)(iv).

For the above reasons, the defendant consents and the parties stipulate and agree that there is good cause to extend the time to conduct a preliminary hearing to no later 14 days after FEBRUARY 2, 2022 if the defendant is in custody after that date and no later than 21 days if the defendant is not in custody after that date. *See* Fed. R. Crim. P. 5.1(d).

The undersigned Special Assistant United States Attorney certifies that he has obtained approval from counsel for the defendant to file this stipulation and proposed order.

IT IS SO STIPULATED.

Dated: December 9, 2021

/s/  
DANIEL N. KASSABIAN  
Special Assistant United States Attorney

/s/  
RAYMOND A. BUENAVENTURA  
Counsel for Defendant HECTOR GARCIANAVA

### ORDER (AS MODIFIED)

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court finds that time is excluded from DECEMBER 9, 2021 through FEBRUARY 2, 2022, and that failing to exclude the time from DECEMBER 9, 2021 through FEBRUARY 2, 2022 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence including by reviewing the discovery has been and will be produced. 18 U.S.C. § 3161(h)(1)(D), (h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from DECEMBER 9, 2021 through FEBRUARY 2, 2022 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant

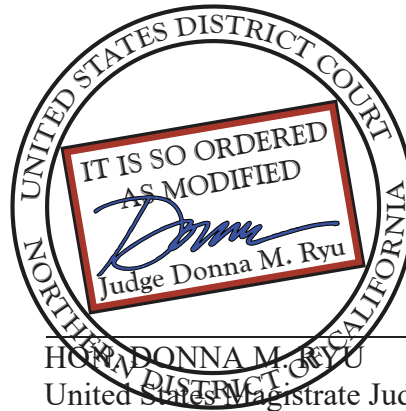
1 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Therefore, and with the consent of the parties, IT IS  
 2 HEREBY ORDERED that the time from DECEMBER 9, 2021 through FEBRUARY 2, 2022 shall be  
 3 excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h).

4 For the above reasons, the Court further finds good cause to continue the preliminary hearing.  
 5 Therefore, with the defendant consent, IT IS HEREBY ORDERED that the time to conduct a  
 6 preliminary hearing to no later 14 days after FEBRUARY 2, 2022 if the defendant is in custody after  
 7 that date and no later than 21 days if the defendant is not in custody after that date. Fed. R. Crim. P.  
 8 5.1(d).

9 At the request of the parties, the status conference presently set for DECEMBER 9, 2021 is  
 10 RESET to FEBRUARY 2, 2022 at **2:00 p.m.**

11 **IT IS SO ORDERED AS MODIFIED.**

12  
 13 Dated: December 9, 2021 \_



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 16 HON. DONNA M. RYU  
 17 United States Magistrate Judge  
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